EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1851-PWS-E **TCEQ ID:** RN101452209 **CASE NO.:** 34955

RESPONDENT NAME: Post Oak Special Utility District

ORDER TYPE:							
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
AMENDED ORDEREMERGENCY ORDER							
CASE TYPE:							
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
TYPE OF OPERATION: Public water sup SMALL BUSINESS:X_Yes OTHER SIGNIFICANT MATTERS: Ther facility location. INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Divisis Respondent: Mr. Kerry W. Feller,	_No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on May 26, 2008. No r: None : Mr. Tel Croston, Enforcement Division, Enforcem	al pending enforcement actions regarding this rest in this matter. comments were received.					

at Add V

DOCKET NO.: 2007-1851-PWS-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS **VIOLATION INFORMATION** PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$668 Corrective Actions Taken: __ Complaint X Routine The Executive Director recognizes that the **Total Deferred: \$134** ___ Enforcement Follow-up Respondent has implemented the X Expedited Settlement ___ Records Review following corrective measures at the Financial Inability to Pay Facility on October 3, 2007: Date(s) of Complaints Relating to this SEP Conditional Offset: \$0 a. Provided documentation of the June and Case: None December 2004 bacteriological sampling **Date of Investigation Relating to this** reports: **Total Paid to General Revenue: \$534** Case: September 19, 2007 Site Compliance History Classification b. Provided photographic documentation that the ground storage tank roof hatch was Date of NOV/NOE Relating to this Case: High Average Poor October 31, 2007 (NOE) locked; and **Person Compliance History Classification** Background Facts: This was a routine c. Provided photographic documentation __ High ___ Average ___ Poor investigation. that the barbed wire on the fence was repaired. Major Source: Yes X No WATER Ordering Provisions: Applicable Penalty Policy: September 2002 1) Failed to keep on file and make available for Commission review the The Order will require the Respondent to: following water system records: bacteriological sampling records for June a. Within 30 days after the effective date of and December 2004 and Customer Service this Agreed Order, submit Customer Inspection reports for 2004 [30 Tex. Service Inspection reports for 2004; ADMIN. CODE § 290.46(f)(3)(D)(i) and Existence of Designation of the second b. Within 60 days after the effective date 290.46(f)(3)(E)(iv)]. of this Agreed Order, complete Customer 2) Failed to secure the roof hatch of a Service Inspections at the following residences: 211 Hill County Road 3322 ground storage tank [30 Tex. ADMIN. CODE Loop, Hillsboro, 1827 Highway 171, § 290.43(c)(2)]. Hillsboro, 122 Private Road 5177A, 3) Failed to complete Customer Service Coolidge and 115 Private Road 5177A, Coolidge; and Inspection reports prior to providing continuous water service to new c. Within 75 days after the effective date of construction, on any existing service either this Agreed Order, submit written when the water purveyor has reason to believe that cross-connections or other certification and include detailed supporting documentation including potential contaminant hazards exist, or photographs, receipts, and/or other records after any material improvement, correction, or addition to the private water distribution to demonstrate compliance with Ordering facilities [30 Tex. Admin. Code § Provisions a. and b. 290.46(j)]. 4) Failed to provide a properly constructed intruder-resistant fence [30 Tex. ADMIN. CODE § 290.43(e)].

Additional ID No(s).: 1090030

Policy Revision 2 (Sep		enalty	Calculation	on Work	sheet (P	•	ion September 19, 2007
TCEQ DATES Assigned PCW		Screenir	ng 6-Nov-2007	EPA Du	e		
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Post Oak Spec RN101452209		istrict	Majo	r/Minor Source	Minor	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ I	2007-1851-PW Public Water S	upply	Maximum	7	o. of Violations Order Type nf. Coordinator EC's Team	1660	am 2
			alty Calcul		ction		
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain Compliance Histor	TO SUBTOT ned by multiplying the ory	AL 1 e Total Base nt was issu	Penalty (Subtotal 1)	by the indicated p 6 Enhancemen Order, one NO	Subt OV for the same	Subtotal 1	\$510 \$158
Culpability	No		09	% Enhancemen		Subtotal 4	\$0
Notes	The R	espondent	does not meet t	he culpability	criteria.		
Good Faith Efford Extraordinary Ordinary N/A Notes	Before NOV	(mark with x)	PRP/Settlement Offe	r		Subtotal 5	\$0
Approx.	Total EB Amounts Cost of Compliance	\$39 \$2,325		% Enhancement⁴ ed at the Total EE	3 \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTAL	S 1-7					Final Subtotal	\$668
OTHER FACTORS AS Reduces or enhances the Final S				0%	6	Adjustment	
Notes							
STATUTORY LIMIT A	NDJUSTMEN	T.				nalty Amount	\$668 \$668
DEFERRAL Reduces the Final Assessed Pen	alty by the indicted :	percentage. (Enter number only: e	20%		Adjustment	-\$134
Notes			ffered for expedit				
PAYABLE PENALTY		14.024 14.041 (19.05)		er og og englykling Milligg og informer			\$534

Screening Date 6-Nov-2007

Docket No. 2007-1851-PWS-E

PCW

Respondent Post Oak Special Utility District

Case ID No. 34955

Reg. Ent. Reference No. RN101452209

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Policy Revision 2 (September 2002) PCW Revision September 19, 2007

	y Site Enhancement (Subtotal 2) Number of	Inter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	3	6%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1 44	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0,	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0.000	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	received afficial two O [parateory 1] [construct	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
011,01	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
·	Adjustment P	ercentage (Sเ	ıbtotal 2
Violator (Su	ibtotal 3)	101 46 400	
N//	A -11	oroontows (C-	ibtotal 2
IN//	Adjustment P	ercemaye (Si	เมเบเล/ 3
ance History	Person Classification (Subtotal 7)	35.2 .5	
N/A	Adjustment P	ercentage (Sเ	ıbtotal 7
ance History	/ Summary		
	A CONTRACTOR OF THE PROPERTY O		

31%

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	6-Nov-2007	Docket No. 2007-1851-PWS-E	PCW
	Post Oak Special Utility District		Policy Revision 2 (September 2002)
Case ID No.		•	PCW Revision September 19, 2007
Reg. Ent. Reference No.	RN101452209 Public Water Supply		
Enf. Coordinator			
Violation Number			
Rule Cite(s)			
	30 Tex. Admin. Code §	3 290.46(f)(3)(D)(i) and 290.46(f)(3)(E)(iv)	
	Failed to keen on file and have a	vailable for Commission review the following	water
Violation Description	system records: bacteriological s	ampling records for June and December 20	
	Customer Sen	vice Inspection reports for 2004.	
		Base	Penalty \$1,000
>> Environmental, Property a	and Human Health Matrix		
Environmental, Freperty a	Harm		
OR Release		or	
OR Actual Potential	160 WATER	Percent 0%	
To a second seco			
>>Programmatic Matrix	Maiar Madagata Min		
Falsification	Major Moderate Min		
Matrix			Communication (Communication Communication C
Notes	Failed to meet less than	30% of the rule requirement.	
		Adjustment	\$990
			\$10
12-1-C F			
Violation Events			
Number of Vic	plation Events 1	48 Number of violation day	5
	dolly		
	daily monthly		
mark only one	quarterly	Violation Base	Penalty \$10
with an x	semiannual		
	single event x		
	One single ever	nt is recommended.	
	Citie diligie ever		
Economic Benefit (EB) for th	is violation	Statutory Limit Tes	1
	d EB Amount	\$4 Violation Final Pena	
Esumated			-
	This viol	ation Final Assessed Penalty (adjusted fo	or limits) \$13

Respondent Post Oak Special Utility District Case D No. 34955		E	conomic E	Benefit W	orks	sheet		
Reg. Ent. Reference No. Media Public Water Supply Percent Interest Vears of Depreciation	Respondent	Post Oak Spec	cial Utility District		4411			
Notes for DELAYED costs	Case ID No.	34955	-					
	Reg. Ent. Reference No.	RN101452209					an San Carport III a fil	
Depreciation Solution No. Depreciation Solution Solu	Media	Public Water S	Supply			The second second	D	Years of
Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount	Violation No.	1					Percent Interest	Depreciation
Item Description No commas or \$		BURRER				HEREDE GH	5.0	. 15
Delayed Costs		Item Cost	Date Required	Final Date	٧rs	Interest Saved	·	and the second s
Delayed Costs	Item Description		and the second s	76		11.0100.001	Olicenne Costs	10 THE 10 TH
Equipment Buildings	item pescription	i ino commas or a	encontracted of the		4 - 2 - 69		realist the second of the	
Equipment Buildings	Dolayed Casts							
Buildings	The state of the s		1 1		7 00	T \$0	I so I	<u>\$0</u> 1
Other (as needed) Engineering/construction		*** **********************************	E DOMESTICAL STATE	2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
Engineering/construction Land Record Keeping System \$100 19-Sep-2007 3-Oct-2007 0.0 \$0 n/a \$0 Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOICE COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	<u> </u>	Secretaria de la composición dela composición de la composición de la composición de la composición de la composición dela composición de la composición de la composición dela composición de la composición de la composición dela composición dela composición de la composición dela composición dela composición dela composición dela composición dela composición dela compos	a ny Marina dia ny	The Later Court				
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOICED Costs AVOICE Costs AVOICED C	Engineering/construction	Light N. State	E. W. 1815	- Carlo Maria	0,0	\$0 1	\$0	
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs One of the investigation is the date of compliance in the date of the investigation is the date of compliance in the date of the investigation to the estimated date of compliance. One of the investigation is the date of the investigation to the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) One of the investigation is the date of the investigation to the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) One of the investigation is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) One of the investigation is the date of compliance. Notes for AVOIDED costs	Land	La contrata de la contrata del contrata de la contrata del contrata de la contrata del contrata de la contrata de la contrata de la contrata del contrata de la contrata del contrata de la contrata del contrata de la contrata de la contrata del contrata del contrata del contrata de la contrata de la contrata del contrata del contrata del contrata del			0.0		n/a	\$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs Other (as needed) Disposal Personnel Disposal Repersonnel Disposal R		\$100	19-Sep-2007	3-Oct-2007				
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs AVOIDED Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs AVOIDED Costs AVOIDED Costs Other (as needed) \$100			Approximate, vice const					
Notes for DELAYED costs AVOICE Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	and the second of the second o							
The delayed cost includes the amount to maintain bacteriological sampling records, calculated from the date of the investigation to the date of compliance, and to prepare and maintain Customer Service Inspection reports, calculated from the date of the investigation to the estimated date of compliance. Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Personnel Personnel Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs		***************************************						
the investigation to the date of compliance, and to prepare and maintain Customer Service Inspection reports, calculated from the date of the investigation to the estimated date of compliance. Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Personnel Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	Other (as needed)	\$100][19-Sep-2007 [19-Jun-2008	0.8	1 54	n/a sank	\$4
Supplies/equipment	Avoided Gosts Disposal Personnel	15 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5	calculated from th	e date of the inve	estigation entering 0.0 0.0	item (except for \$0 \$0	date of compliance. one-time avoided c \$0 \$0	sosts) \$0
Financial Assurance [2]				Section 1				
ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs ONE-TIME avoided costs [3] Other (as needed) ONE-TIME avoided costs [3] ONE-TIME avo			KOTA T	All Laboratory				
Other (as needed) Notes for AVOIDED costs		385	7	7 M. C. C.				
Notes for AVOIDED costs		97:00-1,000 ENG	1		_			TATAL CARACTAL ACCESS THREAT PROTECTION CO.
Notes for AVOIDED costs	Other (as needed)				<u>၂ 0.0 </u>	μ		
Approx. Cost of Compliance \$200 TOTAL \$4	Notes for AVOIDED costs	4 2		ies andres es in		Marijan		A Communication of the Communi
Approx. Cost of Compliance \$200 TOTAL \$4								

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Screening Date		PCW
	Y · · · · · · · · · · · · · · · · · · ·	cy Revision 2 (September 2002)
Case ID No		V Revision September 19, 2007
Reg. Ent. Reference No	Public Water Supply	
Enf. Coordinato		
Violation Number		
Rule Cite(s		77
	30 Tex. Admin. Code § 290.43(c)(2)	
Violation Descriptio	Failed to secure a ground storage tank roof hatch. Specifically, during the investigation was documented that the roof hatch of the south 500,000 gallon storage tank was no locked.	
	Base Pena	lty \$1,000
>> Environmental, Property	and Human Health Matrix	
	Harm	
Releas OR Actua		
Potentia		
>>Programmatic Matrix		,
Falsification	Major Moderate Minor	
	Percent 0%	
		∞ 1
	cure the roof hatch could expose customers of the water supply to insignificant amounts ontaminants which would not exceed levels that are protective of human health.	of
	Adjustment \$9	50
		\$50
Violation Events		
Number of V	iolation Events 1 14 Number of violation days	
	daily	
	monthly Violation Page Page	Ity \$50
mark only one with an x	quarterly Violation Base Pena semiannual	ιιν ψου
	annual	
	single event x	***************************************
		-
	One single event is recommended.	
Economic Benefit (EB) for t	nis violation Statutory Limit Test	
Estimate	d EB Amount \$0 Violation Final Penalty To	tal\$65
		to) CCE
	This violation Final Assessed Penalty (adjusted for limi	ts) \$65

	E	conomic E	Benefit W	/orks	heet		1 1
Respondent Case ID No. Reg. Ent. Reference No.	34955	cial Utility District	STATE OF THE PARTY	\$1,2100 <u>0</u> \$31,2100000			
	Public Water S	Supply				Percent Interest	Years of Depreciation
	(秦 文/語)					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	T of the second	W. Carlotte				
Delayed Costs				1.00	Tree Street		
Equipment	EK 14-32-17-17-17-17-17-17-17-17-17-17-17-17-17-	4,10,40,40,40,40,40		0.0	\$0	\$0	\$0
Buildings	gaskin taggar			0.0	\$0	\$0	\$0
Other (as needed)	\$25	19-Sep-2007	3-Oct-2007	0.0	\$0	\$ 0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0 •••
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs	The delay	ed cost includes the			ure the roof/hatch e of compliance.	calculated from the	date of the
Avoided Costs		NUALIZE [1] avoide	d costs before	enterina:	item (except for		osts)
Disposal	317 64.35			T 0.0	\$0	\$0	\$0
Personnel				0.0	\$0	, \$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0 · · · ·	\$0
Supplies/equipment				0.0	\$0	# \$0 #	\$ 0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$O	\$0
Other (as needed)		A STATE OF THE STA		0.0	\$0	\$0	
							eatai/i
Notes for AVOIDED costs					The state of the s		
• • • • •					· · · · · · · · · · · · · · · · · · ·		

Screening Date	6-Nov-2007	Docket N	lo. 2007-1851-PWS-E	PCW			
	Post Oak Special Util	ity District		Policy Revision 2 (September 2002)			
Case ID No.				PCW Revision September 19, 2007			
Reg. Ent. Reference No.							
	Public Water Supply			-			
Enf. Coordinator Violation Number							
Rule Cite(s)	His transfer of the second	20 Tay Admin Code S	200 46(i)				
		30 Tex. Admin. Code §	290,46(J)				
Violation Description	water service to purveyor has reaso hazards exist, or aff water distribution fac Inspection certifica	Failed to complete Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities. Specifically, the Respondent did not have Customer Service Inspection certificates for the following locations: 211 Hill County Road 3322 Loop, Hillsboro, 1827 Highway 171, Hillsboro, 122 Private Road 5177A, Coolidge and 115 Private Road 5177A, Coolidge.					
			Base P	enalty \$1,000			
>> Environmental, Property a	and Human Health	Matrix					
Environmental, rioperty	Har						
Release		rate Minor					
OR Actual Potential			Percent 0%				
Foteritia			1 ercent 0 76				
>>Programmatic Matrix							
Falsification	Major Mode	rate Minor					
	X	Annual Person and Control of the Con	Percent 10%				
Matrix Notes	Failed to	comply with 100% of the rule re	equirement.				
	2 45/5 FL 1250		Adjustment	\$900			
				\$100			
Violation Events							
VIOIALION EVENIS							
Number of Vio	olation Events 4	14	Number of violation days				
of the second	daily						
000000000000000000000000000000000000000	monthly						
mark only one	quarterly		Violation Base P	enalty \$400			
with an x	semiannual	1					
	annual x						
	single event x						
	Four single ev	ents are recommended (one fo	or each location).				
Economic Benefit (EB) for th	is violation		Statutory Limit Test				
Estimate	d EB Amount	\$31	Violation Final Penalty	Total \$524			
Proposition		This violeties Final Ass	sessed Penalty (adjusted for	limits) \$524			
		inis violation Final Ass	sessed Penalty (adjusted for	mmus) \$524			

		ial Utility District				State of the	
Case ID No.	4					in a salasing a	St. Fr. St.
Reg. Ent. Reference No.							
Media Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation
Violation No.		THE REAL PROPERTY.				5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	Aller Services and the services of the service						
			er en		diamentalistic curre		
Delayed Costs Equipment				1 0.0 T	\$0	I \$0 I	\$0
Equipment Buildings	Alexandria di	344 E02001-020 7050		0.0	\$0 \$0	\$0 \$0	\$0
Other (as needed)	and the second second second	G7384.V8785387		0.0	\$0	\$0 \$0	\$0
Engineering/construction	***	2662243000000		0.0	\$0	\$0	\$0
Land	98,45	A Comment	an and a few sections of a section of a sect	0.0	\$0	n/a	\$0
Record Keeping System	\$600	19-Sep-2007	3-Oct-2008	1.0	\$31	n/a	\$31
Training/Sampling	¥3000	10 000 2007		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
		and the property of the second section of the second section in	dellar and the second second	910			
Other (as needed)	Estimated co	st to complete Cus				n/a the date of the inves	\$0 tigation to the
Notes for DELAYED costs Avoided Costs Disposal	ANN		estimated d costs before o	spections I date of o	i, calculated from compliance, item (except for \$0	the date of the inves	tigation to the sosts)
Notes for DELAYED costs Avoided Costs Disposal Personnel			estimated	spections I date of c	i, calculated from compliance.	the date of the investored to the date of the investored to the in	itigation to the sosts)
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN		estimated d costs before o	spections I date of centering 0.0 0.0 0.0	i, calculated from compliance. Item (except for \$0 \$0 \$0	the date of the investored to the date of the investored to the in	sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		estimated d costs before o	spections I date of c entering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided o	sosts) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		estimated d costs before o	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	i, calculated from compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the date of the investored of	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		estimated d costs before o	spections I date of c entering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided o	sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		estimated	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date			t No. 2007-1851-PWS-E	PCW
	Post Oak Special Utility D	District	•	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision September 19, 2007
Reg. Ent. Reference No.	## Table 1			Andrews
	Public Water Supply			and the second s
Enf. Coordinator Violation Number	×			www.doch
Rule Cite(s)				
Rule Official		30 Tex. Admin. Code	e § 290.43(e)	
Violation Description	investigation, it was doci		r-resistant fence. Specifically, of dwire was hanging loose from tanks at the main plant.	
			Bas	e Penalty \$1,000
>> Environmental, Property	and Human Health M	atrix		on the control of the
Palace	Harm Major Madagata	Minor		and the second s
OR Release		e Minor		
Potentia		X	Percent 5%	
>>Programmatic Matrix				
Falsification	Major Moderate	e Minor		And the second s
The state of the s			Percent 0%	
Matrix Notes Without a		could vandalize the storide a safe and adequate	age tanks compromising the sewater supply.	ystem's
			Adjustment	\$950
				\$50
Violation Events		3 2 3 3		
	olation Events 1		4 Number of violation day	ys
•			**************************************	
	daily			***************************************
mark only one	monthly quarterly		Violation Bas	e Penalty \$50
with an x	semiannual			
	annual			
	single event x			
	One	single event is recommo	ondod	
	One:	single event is recommi	anded.	
Economic Benefit (EB) for th	is violation		Statutory Limit Te	st
Estimate	d EB Amount	\$2	Violation Final Pen	alty Total \$65
		This violation Final	Assessed Penalty (adjusted :	for limits) \$65
and the second second second second second		THIS VIOLATION FILLS	maacaacu renaity (aujusteu	or mine) \$00

100 mg/s	'''''' ' 'E	conomic I	Benefit W	orks	heet		
Respondent Case ID No. Reg. Ent. Reference No.	34955	al Utility District					andreasca alla elemente i i i i i i i i i i i i i i i i i i i
	Public Water Su	upply	unio unio cine e de contrato de contrato de la contrato de la contrato de cont	A. M. O. C. MONTH VARIANCE		Percent Interest	Years of Depreciation
			事 医摄影动			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	3 M 3					
Delayed Costs					14.75.76.174-0 - 6 22.25.25.25.4		a larara a
Equipment		and the vac righting the		0.0	\$0	\$0	. , , \$0
Buildings	10.17124 1775-2715-4	Tablica dien		0.0	\$0	\$0	\$0
Other (as needed)	de a fall and d	3-4, 17- N. E		0.0	\$0	\$0	\$0
Engineering/construction	\$750	19-Sep-2007	3-Oct-2007	0.0	\$0	\$2	\$2
Land	4-1-1-2-2			0.0	\$0	n/a	\$0
Record Keeping System		and bloomer to be a constant		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	in/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	The delayer				er-resistant fence of compliance.	, c álculáted from the autoA Colonital autoto	date of the
Avoided Costs	TOWNS TO SHAFT SHE WALLES	washing garage was a district and property of the second control o	d costs before	entering i	tem (except for	one-time avoided c	osts)
Disposal		2.7.1994		0.0	\$0	\$0	\$0
Personnel	JF DWC 1200	#17A/154 - 723 T		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	rigetoges ¹ getagn		Service Miles	0,0	\$0	\$0	\$0
Supplies/equipment		11.0		0.0	\$0	\$0	\$0
Financial Assurance [2]		- Villandi		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		KORON OMESTERBER REPORT	rodent representation	0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$ \$\$O }	\$0
Notes for AVOIDED costs	70 50 50 50 50 50 50 50 50 50 50 50 50 50				MA SECUENCE I		55. / U.S.
Approx. Cost of Compliance		\$750		8	TOTAL		\$2

Compliance History Customer/Respondent/Owner-Operator: CN600625735 Post Oak Special Utility District Classification: Regulated Entity: RN101452209 POST OAK SUD Classification: ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION WATER LICENSING LICENSE 20632 North Farm-To-Market Road 709, Dawson, Navarro County Location: TCEQ Region: REGION 09 - WACO Date Compliance History Prepared: November 05, 2007 Agency Decision Requiring Compliance History: Enforcement November 05, 2002 to November 05, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Tel Croston 239-5717 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Nο 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A ADMINORDER 2003-0582-PWS-E Effective Date: 11/16/2003 Classification: Moderate 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B) Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4) Description: Failure to maintain the minimum disinfectant concentration residual of .5 mg/l total chlorine. В. Any criminal convictions of the state of Texas and the federal government. C Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) (6315)1 11/21/2002 2 12/18/2003 (256245)3 02/14/2005 (347615)4 07/14/2005 (393295)5 09/30/2005 (406223)6 12/05/2005 (406676)7 02/09/2006 (454727)8 01/17/2007 (567385)9 05/18/2007 (567529)10 07/16/2007 (567635)11 10/19/2007 (594462)Written notices of violations (NOV). (CCEDS Inv. Track. No.) Ε. Date: 08/19/2004 Self Report? Classification: Moderate

Rating:

1090030

1090030

Site Rating:

30 TAC Chapter 290, SubChapter F 290.110(b)(4) Citation:

Failure to maintain the residual disinfectant concentration in the far reaches of the Description:

distribution system at a minimum of 0.2 mg/L free chlorine or 0.50 mg/L chloramines

as per agency regulations.

Date: 06/30/2005 (393295)

Self Report? Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post a legible sign at the elevated storage tank site.

Self Report? NO Classification Minor

Classification Mino

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities and reduce costly repairs due to a lack of proper

maintenance.

Self Report?

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 288, SubChapter B 288.20[G]

Description: Failure to provide a copy of an adopted drought contingency plan.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)

Description: Failure to keep a plant operations manual.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Fallure to provide an intruder-resistant fence in order to protect the elevated storage

tank and ground storage tanks.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to provide an overflow pipe flap valve assembly on the ground storage tank with a good mechanical seal when closed in order to prevent the possible entrance of

insects or other contaminants into the water supply.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to equip the base of an elevated storage tank with an ultrasonic level

indicator or a water level indicator gauge which is not less than 3 inches in diameter

and calibrated at not more than 2 foot intervals.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain distribution system lines, water storage and pressure

maintenance facilities, and related appurtenances in a watertight condition and be

free of excessive solids.

Self Report? NO Classification Mino

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide water system records that needed to be reviewed at the time of the

investigation.

Date 01/17/2007 (567385)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the fourth

quarter of 2006. Date 05/18/2007 (567529)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) 5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter

of 2007.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§ ·	TEXAS COMMISSION ON
POST OAK SPECIAL UTILITY	§	
DISTRICT	§	
RN101452209	§ ·	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1851-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Post Oak Special Utility District ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a public water supply at 20632 North Farm-to-Market Road 709 in Dawson, Navarro County, Texas (the "Facility") that has approximately 702 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 5, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Six Hundred Sixty-Eight Dollars (\$668) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred Thirty-Four Dollars (\$534) of the administrative penalty and One Hundred Thirty-Four Dollars (\$134) is deferred contingent upon the Respondent's timely and

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satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility on October 3, 2007:
 - a. Provided documentation of the June and December 2004 bacteriological sampling reports;
 - b. Provided photographic documentation that the ground storage tank roof hatch was locked; and
 - c. Provided photographic documentation that the barbed wire on the fence was repaired.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to keep on file and make available for Commission review the following water system records: bacteriological sampling records for June and December 2004 and Customer Service Inspection reports for 2004, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(3)(D)(i) and 290.46(f)(3)(E)(iv), as documented during an investigation conducted on September 19, 2007.
- 2. Failed to secure the roof hatch of a ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on September 19, 2007.
- 3. Failed to complete Customer Service Inspection reports prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material

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Post Oak Special Utility District DOCKET NO. 2007-1851-PWS-E Page 3

improvement, correction, or addition to the private water distribution facilities, in violation of 30 Tex. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on September 19, 2007.

4. Failed to provide a properly constructed intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on September 19, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Post Oak Special Utility District, Docket No. 2007-1851-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit Customer Service Inspection reports for 2004, as required by 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 60 days after the effective date of this Agreed Order, complete Customer Service Inspections at the following residences: 211 Hill County Road 3322 Loop, Hillsboro, 1827 Highway 171, Hillsboro, 122 Private Road 5177A, Coolidge and 115 Private Road 5177A, Coolidge, as required by 30 Tex. ADMIN. CODE § 290.46; and
 - c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is

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true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Authorized Representative of Post Oak Special Utility District

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	5/11/2008 Date
attached A great Order on hehalf of the entity indic	tached Agreed Order. I am authorized to agree to the cated below my signature, and I do agree to the terms vledge that the TCEQ, in accepting payment for the entation.
 timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications: Referral of this case to the Attorney Generations, and/or attorney fees, or to a collection. 	ral's Office for contempt, injunctive refler, additional etion agency; int actions; s Office of any future enforcement actions; and law.
Signature Signature	Date PRESTIDENT
Name (Printed or typed)	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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